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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,687	03/26/2004	Theodore S. Rappaport	WV00015 C01	7866
24273	7590	07/13/2007		
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,687	Applicant(s) RAPPAPORT ET AL.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-131 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 38-131 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-131 are pending. Group I, claims 13-37 were elected with out traverse in response to the Election/Restriction filed 5/03/07. Claims 38-131 have been withdrawn and claims 13-37 will be examined on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 a, line 4 recites "or campus communications network may be deployed, said computer". This is not a positive claim recitation. A positive claim recitation would be "or campus communications network will be deployed, said computer" or "or campus communications network can be deployed, said computer".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,337,149) Kozah et al, hereafter Kozah in view of (US 6,509,906) Awe et al, hereafter Awe.

Claim 13. Kozah discloses, A computer implemented method for creating or modifying a drawing or database for representing a physical environment, comprising the steps of:

a) inputting into a computer one or more files, one or more raster images, one or more vector data, one or more vectors, one or more drawings, or one or more drawing objects which represent in a computer representation all or part of a physical environment in which an in-building or campus communications network may be deployed, said computer representation providing representations of one or more of floors, walls, partitions, buildings, building complexes or compounds, terrain, foliage, or other sites or obstructions (col. 2, lines 62-66, col. 7, lines 1 and 2 and lines 55-65, and fig. 1);

b) using a computer for creating, formatting, editing or manipulating one or more objects in said computer representation (col. 8, lines 34-55); c) verifying, using a computer, the sufficiency of said one or more objects to ensure a useful three dimensional definition of said physical environment for use by a communications engineering or network management application, and notifying a user of results of said verification of sufficiency (col. 5, lines 11-14 and col. 8, lines 34-55 and fig. 9). Kozah does not explicitly disclose step d) generating at least one formatted drawing or database wherein said at least one formatted drawing or database, or said one or more objects, or one or more of electrical properties, physical properties, aesthetic properties, and spatial configurations of said one or more objects are transportable between users or between one or more communications engineering or network management applications; although Kozah discloses storing the object/position information in the CAD database in a CAD application (Kozah col. 9, lines 13-31) and Kozah further discloses, e) rendering a three

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dimensional visual representation of said physical environment (col. 4, lines 1-12 and abstract). Awe also discloses step b) the grouping and manipulating of objects into a representation (col. 7, lines 16-20, col. 4, lines 45-61 and fig. 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Awe to Kozah to create a three dimensional representation of building data. The motivation to combine would have been that Kozah gathers the information to build a three dimensional model but does not disclose the details (Kozah in col. 7, lines 55-65 and Awe in col. 1, line 62-col. 2, line 6) to create a three dimensional view of a building, a deficiency cured by Awe by using streams (col. 5, line 16-col. 6, line 42) for custom 3D view.

6. Claims 14-37 are unpatentable over (US 5,337,149) Kozah et al, hereafter Kozah in view of (US 6,509,906) Awe et al, hereafter Awe and further in view of (US 5,091,869) Ingram et al, hereafter Ingram.

Claim 14 . Kozah and Awe failed to disclose, The method of claim 13 wherein said notifying performed in said verifying and notifying step is performed in an automatic fashion without feedback being provided to the user. Ingram discloses, The method of claim 13 wherein said notifying performed in said verifying and notifying step is performed in an automatic fashion without feedback being provided to the user (col. 5, lines 44-48).

Claim 15 . Kozah discloses, The method of claim 13 wherein said notifying performed in said verifying and notifying step is performed by prompting the user and, when required to provide said useful definition, requires the user to correct any insufficiencies

in response to an insufficiency notification (col. 7, lines 61-65 and col. 8, lines 20-23 and lines 45-55 and fig. 9).

Claim 16 . Kozah discloses, The method of claim 13 wherein said communications engineering or network management application is selected from the group consisting of one or more of wireless propagation prediction, measurement tools, component placement or layout visualization tools, optimization tools, bill of materials generating tools, and network performance management or prediction tools (col. 10, lines 26-40).

Claim 17. Kozah discloses, The method of claim 13 further comprising the step of adding or deleting at least one object in said at least one formatted drawing or database (Fig. 1); Awe: fig. 1; and Ingram: Fig. 4). Kozah, Awe, and Ingram disclose the claim limitations of claim 17.

Claim 18 . Awe with Kozah discloses the step of The method of claim 13 further comprising the step of editing or modifying at least one object in said at least one formatted drawing or database (Awe: col. 4, line 64-col. 5, line 15 –changing the display representation –col. 4, lines 34-47 –eg., door swing/modification; Kozah, col. 8, lines 16-19).

Claim 19 . Kozah discloses, The method of claim 13 further comprising the step of moving at least one object in said at least one formatted drawing or database (col. 8, lines 16-19).

Claim 20 . Kozah, Awe, and Ingram do not disclose, The method of claim 13 further comprising the step of removing extraneous items from any of said one or more files, one or more raster images, said one or more vector data, said one or more vectors, said

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one or more drawings, said one or more drawing objects, or said at least one formatted drawing or database. It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teachings of Awe and Ingram in Kozah to electronically collect floor plan information based on images, files, data, and drawings. The motivation would be to use Ingram to increase the accuracy of measurements to eliminate deficiencies.

Claim 21 . Kozah discloses, The method of claim 13 further comprising the step of tracing and adding a traced object to said at least one formatted drawing or database (col. 2, lines 37-50).

Claim 22 . The method of claim 21 wherein either or both of said steps of tracing and adding are performed before said verifying step.

Claim 23 . Kozah discloses, The method of claim 13 further comprising modifying at least one object of said one or more objects, or at least one of electrical properties, physical properties, aesthetic properties, and spatial configurations of at least one object (col. 1, lines 50-52, col. 2, lines 43-48, and col. 3, lines 15-18).

Claim 24. Kozah and Awe failed to disclose, The method of claim 13 further comprising the step of editing or modifying any of said one or more files, one or more raster images, said one or more vector data, said one or more vectors, said one or more drawings, said one or more drawing objects, or said at least one formatted drawing or database. Ingram discloses, The method of claim 13 further comprising the step of editing or modifying any of said one or more files, one or more raster images, said one or more vector data, said one or more vectors, said one or more drawings, said one or

more drawing objects, or said at least one formatted drawing or database (col. 1, lines 16-19-Background of the Invention).

Claim 25. Kozah and Awe failed to disclose, The method of claim 13 further comprising the step of editing or modifying said at least one formatted drawing or database generated in said generating step. Ingram discloses, The method of claim 13 further comprising the step of editing or modifying said at least one formatted drawing or database generated in said generating step (col. 12, lines 48-50)

Claim 26. Kozah and Awe failed to disclose, The method of claim 13 further comprising the step of removing extraneous objects from said one or more objects. Ingram discloses, The method of claim 13 further comprising the step of removing extraneous objects from said one or more objects (col. 12, lines 21-23).

Claim 27. Kozah, Awe, and Ingram failed to disclose, The method of claim 13 further comprising the step of tracing and adding data representing a traced object. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trace and add data representing a traced object because it is much easier to trace an object and to have the object the correct measurements and to add another object.

Claim 28 . Kozah discloses, The method of claim 13 further comprising the step of adding measurement data to said at least one formatted drawing or database (fig. 7, steps 7.06 –7.12)).

Claim 29 (new). The method of claim 13 wherein said verifying step produces a verified set of data, and further comprising the step of adding measurement data to said verified

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set of data.

Claim 30. Kozah failed to disclose, The method of claim 13 further comprising the step of specifying or invoking a propagation model for performing predictions of performance.

Awe discloses, The method of claim 13 further comprising the step of specifying or invoking a propagation model for performing predictions of performance (col. 5, lines 19-25 and fig.'s 1 and 2).

Claim 31. Kozah failed to disclose, The method of claim 13 further comprising the step of specifying or invoking a listing of communications equipment. Awe discloses, The method of claim 13 further comprising the step of specifying or invoking a listing of communications equipment (col. 3, lines 41-50).

Claim 32. Kozah discloses, The method of claim 13 further comprising the steps of tracing and representing a traced object in a scaled database model of the physical environment (fig. 7, diagram 7.13).

Claim 33 . Kozah failed to disclose, The method of claim 13 wherein said at least one formatted drawing or database generated in said generating step is in a form transportable to and usable by one or more communications engineering or network management applications. Awe discloses, The method of claim 13 wherein said at least one formatted drawing or database generated in said generating step is in a form transportable to and usable by one or more communications engineering or network management applications (col. 3, lines 18-60).

Claim 34. Kozah discloses, The method of claim 13 further comprising the step of prompting a user to enter information required to verify there is sufficient information to

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produce a verified set of data (col. 1, lines 12-15).

Claim 35 . Kozah discloses, The method of claim 34 wherein said prompting is automatic or implicit (col. 7, lines 61-65).

Claim 36. Kozah and Awe discloses, The method of claim 13 wherein said verifying step produces a verified set of data, and wherein said verified set of data, or said at least one formatted drawing or database, is transportable between users or between one or more engineering design or management applications (col. 9, lines 13-31 and Awe (col. 3, lines 18-60).

Claim 37. Kozah and Awe failed to disclose, The method of claim 13 further comprising the step of rendering a two dimensional view representative of said physical environment. Ingram discloses, The method of claim 13 further comprising the step of rendering a two dimensional view representative of said physical environment (col. 2, lines 12-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teachings of Ingram in Kozah to allow Kozah to have a software that is used to make the necessary calculations and to build an X-Y coordinate file which is employed to provide a floor plan, ceiling plan, roof plan, in a two dimensional manner.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al (US 5,701,403) disclosed a CAD system.

Rappaport et al (US 6,721,769) disclosed building a database manipulator (Applicants' patent).


Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 8, 2007


ELLA COLBERT
PRIMARY EXAMINER